

FILED

SEP 28 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Jesse Mahmoud Sbaih, Cal. State Bar # 219372
MCCREA MARTIN ALLISON, LTD.
3191 East Warm Springs Road
Longford East, Building 13
Las Vegas, Nevada 89120-3147
Telephone: (702) 933-4444
Facsimile: (702) 933-4445
E-Mail: jsbaih@battlebornlaw.com

Attorney for Plaintiff Perini Building Company

**UNITED STATES DISTRICT COURT
NORTHER DISTRICT OF CALIFORNIA**

PERINI BUILDING COMPANY, an
Arizona corporation,

Plaintiff,

v.

JIM WEBBER & ASSOCIATES, INC., et al.

Defendants.

Case No. C04-4179 MHP

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO EXTEND TIME TO FILE
SUMMARY JUDGMENT MOTIONS**

AND ALL RELATED CLAIMS.

IT IS HEREBY STIPULATED AND AGREED, subject to the approval and order of the Court, that the discovery plan and briefing schedule deadlines as set forth in the Court's May 26, 2005 Minute Order, be extended by ninety (90) days. The parties submit this stipulation to extend the discovery and briefing schedule deadlines for good cause and not for purposes of delay.

This case is between multiple parties and involves witnesses spread out all over the country. In order to minimize time and costs, the parties have agreed to set depositions of witnesses whose testimony is necessary for the determination of summary judgment in this matter together in one location over a course of a few days.

On August 4, 2005, the offices of Bradley Curley, Asiano, Barrabee & Crawford ("Bradley Curley") substituted in as the attorneys of record for Defendant JIM WEBBER & ASSOCIATES,

INC. Prior to that time and following the substitution of Bradley Curley, the parties have been working on coordinating the above-mentioned depositions. The parties have agreed to take the depositions after the current deadline for the filing of Cross-Summary Judgment Motions. The parties have further agreed that there will be another opportunity following the depositions to resolve settlement discussions.

One previous time modification in this case exists; a continuance by stipulation of the Case Management Conference from April 27, 2005 to May 24, 2005.

The effect of the requested time modification would be to shift the briefing and hearing schedule out ninety (90) days. However, the parties are optimistic that following the depositions the parties can again discuss settlement. In the event the parties are able to settle this matter, it would be unnecessary for the parties to go forward with briefing and the hearing.

The parties, therefore, seek an extension of the following deadlines:

IT IS HEREBY STIPULATED AND AGREED that the discovery and briefing schedule deadlines shall be as the follows:

- 1 Cross-Motions for Summary Judgment to be filed by December 27, 2005;
2. Responses to Motions for Summary Judgment to be filed by January 17, 2006; and
3. All Motions to be heard on January 30, 2006.

///

///

///

///

///

///

///

///

26

27

28

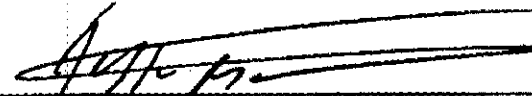
The parties, therefore, seek an extension of the deadlines, as indicated above, for the reasons set forth herein in order to preserve litigation costs and to maintain orderly procession of this case.

DATED this 21st day of September, 2005.

DATED this day of September, 2005.

MCCREA MARTIN ALLISON, LTD.

WILLIAMS, PINELLI & CULLEN, LLP


Jesse Mahmoud Sbaih
3191 East Warm Springs Road
Longford Plaza East, Building 13
Las Vegas, Nevada 89120-3147

Aana L. Pregliasco
110 North Third Street
San Jose, CA 95112

Attorneys for Perini Building Company

*Attorneys for Cross-Defendant Valley
Waterproofing, Inc.*

DATED this day of September, 2005.

DATED this day of September, 2005.

BRADLEY, CURLEY, ASIANO,
BARRABEE & CRAWFORD, P.C.

McCARTHY & McCARTHY, LLP

Robert W. Marchi
1100 Larkspur Landing Circle, Ste. 200
Larkspur, California 94939
Attorneys for Jim Webber & Associates, Inc.

Michael Scott Ellis
1999 Harrison Street, Suite 2160
Oakland, California 94612
*Attorneys for Graham Architectural Products
Corp.*

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

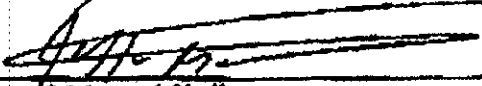
DATED: 9/26/05


U.S. DISTRICT COURT JUDGE

The parties, therefore, seek an extension of the deadlines, as indicated above, for the reasons set forth herein in order to preserve litigation costs and to maintain orderly procession of this case.

DATED this 21st day of September, 2005.


MCCREA MARTIN ALLISON, LTD.


Jesse Mahmoud Sbailh
3191 East Warm Springs Road
Longford Plaza East, Building 13
Las Vegas, Nevada 89120-3147

Attorneys for Perini Building Company

DATED this 22 day of September, 2005.


WILLIAMS, PINELLI & CULLEN, LLP


Anna L. Pregliasco
110 North Third Street
San Jose, CA 95112

*Attorneys for Cross-Defendant Valley
Waterproofing, Inc.*

DATED this _____ day of September, 2005.

BRADLEY, CURLEY, ASIANO,
BARRABEE & CRAWFORD, P.C.


Robert W. Marchi
1100 Larkspur Landing Circle, Ste. 200
Larkspur, California 94939
Attorneys for Jim Webber & Associates, Inc.

DATED this _____ day of September, 2005.

McCARTHY & McCARTHY, LLP


Michael Scott Ellis
1999 Harrison Street, Suite 2160
Oakland, California 94612
Attorneys for Graham Architectural Products Corp.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

U.S. DISTRICT COURT JUDGE

SEP. 22. 2005 11:15AM

MC CARTHY LAW

MCCREA MARTIN ALLISON

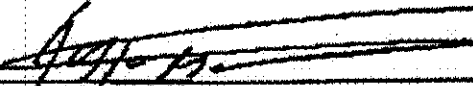
The parties, therefore, seek an extension of the deadlines, as indicated above, for the reasons set forth herein in order to preserve litigation costs and to maintain orderly procession of this case.


DATED this 21st day of September, 2005.

DATED this _____ day of September, 2005.

MCCREA MARTIN ALLISON, LTD.

WILLIAMS, PINELLI & CULLEN, LLP


 Jesse Mahmoud Shaikh
 3161 East Warm Springs Road
 Longford Plaza East, Building 13
 Las Vegas, Nevada 89120-3147


 Anna L. Pregliasco
 110 North Third Street
 San Jose, CA 95112

Attorneys for Perint Building Company

*Attorneys for Cross-Defendant Valley
 Waterproofing, Inc.*

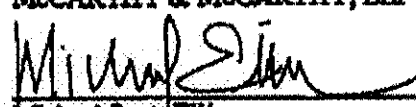
DATED this _____ day of September, 2005.

DATED this 22nd day of September, 2005.

BRADLEY, CURLEY, ASIANO,
 BARRABEE & CRAWFORD, P.C.

McCARTEY & McCARTHY, LLP


 Robert W. Marchl
 1100 Larkspur Landing Circle, Ste. 200
 Larkspur, California 94939


 Michael Scott Ellis
 1999 Harrison Street, Suite 2160
 Oakland, California 94612
Attorneys for Graham Architectural Products Corp.

Attorneys for Jim Webber & Associates, Inc.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

 U.S. DISTRICT COURT JUDGE

Page 3 of 3

STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME TO FILE SUMMARY JUDGMENT MOTIONS
 United States District Court No. C04-4179 MHP

09/21/2005 14:44 FAX

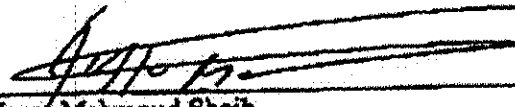
MCCREA MARTIN ALLISON

004/008

The parties, therefore, seek an extension of the deadlines, as indicated above, for the reasons set forth herein in order to preserve litigation costs and to maintain orderly procession of this case.

DATED this 21st day of September, 2005.


MCCREA MARTIN ALLISON, LTD.


Jesse Mahmoud Shaib
3151 East Warm Springs Road
Longford Plaza East, Building 13
Las Vegas, Nevada 89120-3147

Attorneys for Perini Building Company

DATED this _____ day of September, 2005.

WILLIAMS, PINELLI & CULLEN, LLP


Anna L. Pregliasco
110 North Third Street
San Jose, CA 95112

*Attorneys for Cross-Defendant Valley
Waterproofing, Inc.*

DATED this 22 day of September, 2005.


BRADLEY, CURLEY, ASIANO,
BARRABEE & CRAWFORD, P.C.


Robert W. Marchi
1100 Larkspur Landing Circle, Ste. 200
Larkspur, California 94939

Attorneys for Jim Webber & Associates, Inc.

DATED this _____ day of September, 2005.

MCCARTHY & MCCARTHY, LLP


Michael Scott Ellis
1999 Harrison Street, Suite 2160
Oakland, California 94612
Attorneys for Graham Architectural Products Corp.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

U.S. DISTRICT COURT JUDGE